

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

ERIC ALBRITTON,

Plaintiff,

v.

CISCO SYSTEMS, INC. and
RICHARD FRENKEL,

Defendants.

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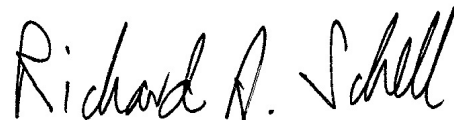
Case No. 6:08-CV-89

ORDER DENYING DEFENDANTS' SECOND MOTION IN LIMINE

Pending before the court is the Defendants' second motion in limine (docket entry #299) filed on September 10, 2009. The court did not receive notice of the Defendants' second motion in limine until September 11, 2009. The deadline for filing motions in limine was February 18, 2009 (*see* docket entry #139 "Amended Scheduling Order") and has long since passed. The court declines the Defendants' invitation to consider their motion in limine at this late date. In the Defendants' motion, the Defendants argue that they just learned of two of the three issues on either August 21 or 25, 2009. The Defendants waited, however, until the eve of trial to file their motion. The Defendants' delay allows virtually no time for the Plaintiff to respond before jury selection next Monday morning, September 14, 2009. The delay further impairs the court's ability to timely prepare for the trial of this cause. Accordingly, the motion is hereby **DENIED**.

IT IS SO ORDERED.

SIGNED this the 11th day of September, 2009.



RICHARD A. SCHELL
UNITED STATES DISTRICT JUDGE